

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

MOBILE EQUITY CORP.,

*Plaintiff,*

v.

WALMART INC.,

*Defendant.*

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Civil Action No. 2:21-cv-126-JRG-RSP

**JURY TRIAL DEMANDED**

**OPPOSED MOTION FOR EXPEDITED BRIEFING REGARDING  
DEFENDANT WALMART INC.'S OPPOSED MOTION FOR RECONSIDERATION OF  
ORDER SETTING TRIAL ON JULY 11, 2022 (DKT. 330)**

Pursuant to Local Rule CV-7(e), Defendant Walmart Inc. (“Walmart”) respectfully moves the Court for expedited briefing regarding Defendant’s Opposed Motion for Reconsideration of Order Setting Trial on July 11, 2022 (Dkt. 330), (Dkt. 334) (“Motion for Reconsideration”) filed on April 28, 2022. In the Motion, Walmart asks the Court to reconsider its Order (Dkt. 330) setting trial for July 11, 2022 based upon a manifest error of fact and to prevent manifest injustice based on a material misrepresentation by Plaintiff Mobile Equity Corp. (“MEC”). An expedited briefing schedule is warranted due to the narrowness of this issue.

Accordingly, Walmart respectfully requests the Court grant this Motion for Expedited Briefing and order Plaintiff to file any response to Defendant Walmart Inc.’s Opposed Motion for Reconsideration of Order Setting Trial on July 11, 2022 (Dkt. 330) (Dkt. 334) on or before May 4, 2022, and any replies and/or sur-replies on May 5 and 6, respectively. Walmart believes it is in both Parties’ interests to have this issue resolved as promptly as possible.

Dated: April 28, 2022

Respectfully submitted,

By: /s/ Eric H. Findlay

Eric H. Findlay

State Bar No. 00789886

Debby Gunter

State Bar No. 24012752

FINDLAY CRAFT, P.C.

102 N. College Ave. Suite 900

Tyler, Texas 75702

Tel: (903) 534-1100

Fax: (903) 534-1137

Email: [efindlay@findlaycraft.com](mailto:efindlay@findlaycraft.com)

Email: [dgunter@findlaycraft.com](mailto:dgunter@findlaycraft.com)

Kathryn Riley Grasso

Christian Chessman

Henry R. Fildes

DLA Piper LLP (US)

500 Eighth Street NW

Washington, DC 20004

Tel: (202) 799-4000

Fax: (202) 799-5000

Email: [Kathryn.Riley@us.dlapiper.com](mailto:Kathryn.Riley@us.dlapiper.com)

Email: [Henry.Fildes@us.dlapiper.com](mailto:Henry.Fildes@us.dlapiper.com)

Email: [Christian.Chessman@us.dlapiper.com](mailto:Christian.Chessman@us.dlapiper.com)

Joel Chao-Iee Lin

DLA Piper LLP (US)

1251 Avenue of the Americas

New York, New York

10020-1104

Tel: (212) 335-4558

Fax: (212) 884-8557

Email: [joel.lin@dlapiper.com](mailto:joel.lin@dlapiper.com)

Jackob Ben-Ezra

DLA Piper LLP (US)

1000 Louisiana Street

Suite 2800

Houston, Texas 77002-5005

Tel: (713) 425-8431

Fax: (713) 300-6031

Email: [jackob.ben-ezra@dlapiper.com](mailto:jackob.ben-ezra@dlapiper.com)

Benjamin Yaghoubian

DLA PIPER LLP (US)  
2000 Avenue of the Stars, Ste 400, N. Tower  
Los Angeles, CA 90067-4704  
Tel: (310) 595-3000  
Email: [benjamin.yaghoubian@us.dlapiper.com](mailto:benjamin.yaghoubian@us.dlapiper.com)

***COUNSEL FOR DEFENDANT***  
***WALMART INC.***

**CERTIFICATE OF SERVICE**

The undersigned certifies that on April 28, 2022 a true and correct copy of the above document was served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3)(A).

/s/ Eric H. Findlay

Eric H. Findlay

**CERTIFICATE OF CONFERENCE**

This is to certify that counsel have complied with the meet and confer requirement in Local Rule CV-7(h) and that this motion is opposed. Counsel for Defendant has reached out to counsel for Plaintiff multiple times and has received no response regarding MEC's position to the relief requested in this Motion. Out of an abundance of caution, Defendant will assume Plaintiff is opposed to this motion. If counsel for Plaintiff is unopposed, Walmart will update the Court accordingly.

/s/ Eric H. Findlay

Eric H. Findlay